

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

KIMBERLY Y. LAFAVE, et al.

Plaintiffs

V.

**THE COUNTY OF FAIRFAX, VIRGINIA,
and KEVIN DAVIS, in his Official Capacity
as Chief of Police**

Defendants

Case No. 1:23-cv-1605 (CMH/JFA)

**CONSENT MOTION TO SET HEARING ON MOTION FOR
PRELIMINARY INJUNCTION AND TO SET DEADLINES**

Defendants The County of Fairfax, Virginia and Chief of Police Kevin Davis, with the consent of Plaintiffs, hereby request that (1) the hearing for Plaintiffs' Motion for Preliminary Injunction be set for January 19, 2024; (2) Defendants' deadline to file their Opposition to Plaintiffs' Motion for Preliminary Injunction be set for January 5, 2024; and (3) Plaintiffs' deadline to reply to Defendants' Opposition be set for January 15, 2024. In support thereof, Defendants state as follows:

1. Plaintiffs filed their Complaint for Declaratory and Injunctive Relief (“Complaint”) on November 22, 2023. (Document #1)
2. Plaintiffs attached to the Complaint a Memorandum in Support of a Motion for Preliminary Injunction (“Memorandum”).
3. On November 28, 2023, the clerk of court issued a Notice of Correction noting that a Motion for Preliminary Injunction had not been filed and that the Complaint had been filed twice. *See Docket Text.*

4. On November 28, 2023, Plaintiffs separately filed the Memorandum as Document #3.

5. Thereafter, Plaintiffs served summonses and copies of the Complaint upon both Defendants on or about December 5, 2023. The time for Defendants to respond to the Complaint is not until December 22, 2023.

6. Plaintiffs have not yet filed their Motion for Preliminary Injunction (“Motion”) because, Plaintiffs’ attorney has advised Defendants’ attorney, that Plaintiffs’ attorney was informed by the clerk that such a motion should not be filed until after Defendants had been served with a summons and complaint.

7. Nevertheless, the parties have met and conferred about a mutually agreeable schedule for a hearing on the Motion and briefing in support and in opposition thereto as follows:

- a. Plaintiffs will file their Motion for Preliminary Injunction on or before December 18, 2023;
- b. The parties agree to a hearing on the Motion on January 19, 2024 at 10:00 a.m.;
- c. Defendants will file their Opposition to the Motion on or before January 5, 2024;
- d. Plaintiffs will file any reply to Defendants’ Opposition to the Motion on or before January 15, 2024.

8. This motion is filed in good faith and not for purposes of delay. A proposed order is being filed simultaneously herewith.

Respectfully submitted,

Date: December 14, 2023

THE COUNTY OF FAIRFAX, VIRGINIA,
and the CHIEF OF POLICE, KEVIN DAVIS, in his
official capacity

/s/ Douglas R. Kay

By: _____
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

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/s/ Douglas R. Kay
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